

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

1 Plaintiff has audio recordings regarding the stops involving 3 of the officers,
2 along with the exact date and location for 1 of the stops. Thus, it should have been
3 easy to simply do a deposition of the possible officers on duty on that date and
4 time to see which ones sounded like the voice in the audio which is very distinct.
5 The trial court would not allow Plaintiff to do any depositions – all this involves
6 early discovery. Thus, Plaintiff was forced to send the audio to Defendants to see
7 if they could identify the voice which of course was pointless and the PMQ
8 showed no competence to identify the voice. Plaintiff then pointed out the officer
9 was driving a crown Victoria cruiser where about all the other vehicles are newer
10 Ford Explorers, and from the police records Plaintiff could identify which officer
11 was assigned to that car. Alternatively, Plaintiff claimed he could seek the daily
12 logs of each deputy on duty to see if any were in the vicinity of where Plaintiff was
13 on the given date and time, which of course needed a second round of discovery
14 which the court denied. Noted, Murrieta is a very big city landwise of about 8
15 miles by 4 miles or so with each officer assigned a distinct “beat”. Likely, the
16 officer had interactions with dispatch such as when he got out of his car to speak
17 with Plaintiff which might have helped. In any event, what counts is that the
18 officer’s identity was discoverable.
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27 For another stop, Plaintiff had audio recordings but apparently the exact date
28 was off as Plaintiff’s laptop computer was stolen and Plaintiff lost needed

1 information that had the exact date. However, for this stop Plaintiff was legally
2 driving and the 2 officers simply wanted to ID Plaintiff as he drove by where all
3 agree Plaintiff was not breaking any laws. For that stop, there are records showing
4 a background check was run as the police officers did run a background check.
5 Plaintiff simply got the date wrong and was off by a few days and simply needed
6 to do a second set of discovery to request the records from that stop by asking for a
7 wider windows of records as to the date range involving Plaintiff.
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11 Noted, both those stops took place outside of the Murrieta city limit in
12 Riverside county.
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14 The last stop at issue was a bit trickier where Plaintiff was illegally “seized”
15 under the 4th amendment when an officer illegally ordered Plaintiff out of a public
16 use/hiking area within the Murrieta city limits along Murrieta creek. Plaintiff has
17 no recording or exact date, however, Plaintiff made numerous phone calls to the
18 Murrieta police and left several voicemails, including one with the police chief, so
19 likely there are records somewhere as it involved a citizen complaint and police
20 would keep records of those. So for that stop, Plaintiff again needed further
21 discovery and more than likely the identity is discoverable.
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25 Thus, the appeal has merit. Plaintiff needs to do research for the cases etc.
26 that authorize this interlocutory appeal, and likely Cohen v. Beneficial Life serves
27 as a source of authority as without discovery, Plaintiff can’t learn the name of the 4
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1 Doe Defendants and as a result they are not going to find out about this case
2 against them until likely after trial, if ever, and if Plaintiff does find out say 2 years
3 from now, they are going to claim statutes of limitations defenses and the fact they
4 were not put on notice soon enough etc. So without discovery, they are dismissed
5 with prejudice as the statutes of limitations has already run.
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8 Of interest, this case has proceeded 2 ½ years at a pretrial screening stage
9 which is absurd and had the filed complaint simply been allowed 2 ½ years ago,
10 Plaintiff would have had ample time at regular discovery to learn the Doe names as
11 there would not have been SOL grounds for not responding to the case.
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14 Thus, without this appeal, the Doe Defendants are permanently dismissed
15 from this case. 2 years from now if Plaintiff appeals, the appeal is going to take
16 another year, and even if Plaintiff wins on this discovery matter then, it shall have
17 been 5 years since the incident and the police are going to claim prejudice etc. and
18 the case dismissed against them.
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21 Thus, this appeal should be proper. Given Plaintiff has not time to properly
22 prepare the issues, Plaintiff asks for an additional 40 days. Also, federal
23 employees are Defendants in this action so this is timely.
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26 Dated: October 12, 2021
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28


Aaron Raiser

Proof/Certificate of Service

I hereby certify that on October 12, 2021, a copy of:

NOTICE OF APPEAL;

Request For Extension of time to submit Issues On Appeal - Issues on Appeal (to court of appeals To Comply with 14-80179);

was served on the following parties, via ECF.

Allen Christiansen
1631 E. 18th Street
Santa Ana, California 92705

Date: October 12, 2021

s/ Aaron Raiser